

# CITY OF ALBUQUERQUE



## POLICE OVERSIGHT COMMISSION

Thursday, June 12, 2014

Vincent E. Griego Chambers, Basement Level  
City/County Government Center - One Civic Plaza NW  
Albuquerque, New Mexico

### Members Present:

Jeffrey Peterson, Chair (via phone)  
William Barker, Vice Chair  
Carl Foster

### Members Absent:

### Others Present:

Robin Hammer  
Paul Skotchdopole  
Chris Davidson  
Diane McDermott  
John DuBois  
Acting Lt. Mike Medrano  
Deputy Chief William Roseman

## MINUTES

- I. WELCOME AND CALL TO ORDER** – Chairperson Peterson was out of the state on business and participated via telephone. Chairperson Peterson called the meeting to order at 4:07 p.m.
- II. PLEDGE OF ALLEGIANCE** – Chairperson Peterson led the Commission in the Pledge.
- III. APPROVAL OF AGENDA** – Chairperson Peterson moved to approve the agenda. Passed.
- For: 3 – Peterson, Barker, Foster
- IV. STATEMENT FROM THE CHAIR** – Chairperson Peterson had no statement.
- V. PUBLIC COMMENT** –
- Simona Sanchez spoke about how she has been harassed and threatened by APD officers. Ms. Sanchez stated that officers are corrupt, they are liars, thieves, and killers, and that police like to step on people who have no money and no education.
- VI. REVIEW/APPROVAL OF MINUTES from the May 13, 2014, POC Meeting** – Chair Peterson moved to defer approval of the May 13, 2014, minutes to the July 10, 2014, POC meeting. Passed
- For: 3 – Peterson, Barker, Foster

**VII. CITIZEN APPEALS** – Chair Peterson moved to defer citizen appeal CPC 210-13 to the July 10, 2014, POC meeting. Passed.

For: 3 - Peterson, Barker, Foster

**VIII. APPROVAL OF IRO REVIEW LETTERS –**

**CONSENT AGENDA – CPC 221-13; CPC 033-14; CPC 034-14; CPC 047-14; CPC 078-14; CPC 083-14; CPC 086-14; CPC 088-14; CPC 091-14; CPC 094-14; CPC 095-14; CPC 099-14; CPC 100-14; CPC 105-14**

**CPC 221-13** – A citizen stated that Officer B. was aggressive during contact with citizen. The citizen wanted to speak to the lieutenant of Officer B. and Officer B.'s sergeant instead of filing a formal complaint. After speaking with the lieutenant, the citizen's concerns were resolved. The complaint will be inactivated.

**CPC 033-14** – A citizen stated that two APD officers improperly arrested citizen for breaking church windows. Citizen claimed that he was in jail when the incident took place. Church surveillance showed that citizen did break the church windows. Citizen was found incompetent to stand trial. Officers did not violate any SOPs. The complaint will be inactivated.

**CPC 034-14** – A citizen stated that he found it odd that two police cars were following a neighbor down the street. After citizen received more information about the incident, citizen did not want to pursue the complaint any further. The complaint will be inactivated.

**CPC 047-14** – A citizen stated that she was a passenger in a vehicle, and the driver was arrested for DWI. Citizen was very intoxicated and the officer would not allow her to walk home. The officer called a taxi to transport the citizen home. Citizen alleged that the taxi driver was inappropriate and asked for a kiss. The officer did not violate any SOP. The PRC will investigate the complaint against the taxi driver. The complaint will be inactivated.

**CPC 078-14** – A citizen alleged that an officer who was off-duty and out of uniform was driving an unmarked police vehicle. The investigator attempted to contact citizen to obtain more information, but the citizen did not return calls to the investigator. The officer's actions did not constitute a violation of any SOP. The complaint will be inactivated.

**CPC 083-14** – A citizen was watching an episode of COPS on TV and alleged that he saw two APD officers conducting an unreasonable search and seizure. COPS has not filmed in Albuquerque for several years. This complaint was received well beyond the 90-day time frame for filing a complaint. Therefore, the IRO has no legal authority to investigate this complaint. The complaint will be inactivated.



**CPC 086-14** – A citizen stated that she was arrested for domestic violence. Citizen was in a wheelchair due to a knee injury. When citizen was released from jail, she could not locate her wheelchair and alleged that the officers did not secure the wheelchair. This complaint was received beyond the 90-day time frame for filing a complaint. Therefore, the IRO has no legal authority to investigate this complaint. The complaint will be inactivated.

**CPC 088-14** – A citizen stated that an officer made a presentation to the girl scouts, but his presentation was too focused on weapons and tools that police use. The citizen did not have the officer's name, and did not want the incident investigated, but did want APD to be aware of her complaint. The complaint will be inactivated.

**CPC 091-14** – A citizen stated that an officer violated her rights because she was not allowed to give her side of the story and her husband did give a statement. This complaint was received beyond the 90-day time frame for filing a complaint. Therefore, the IRO has no legal authority to investigate this complaint. The complaint will be inactivated.

**CPC 094 -14** – A citizen stated that Officer Gabaldon had been following her on Facebook for several weeks and had threatened to blow her brains out. APD does not have an Officer Gabldon. The Facebook post indicated that Gabaldon stated he was with the Air Force. There is no allegation against any APD officer. The complaint will be inactivated.

**CPC 095-14** – A citizen received a parking ticket and alleged that officers prey on college kids for absurd parking problems. There is no SOP violation alleged. The proper venue for parking tickets is a courtroom where a judge can make the decision. The complaint will be inactivated.

**CPC 099-14** – A citizen was arrested for DWI and blew into a portable breath test unit. Citizen alleged that the officer would not allow citizen to view the results of the test, that his handcuffs were too tight, that the officer did not seat-belt citizen, the officer was speeding, and he did not record the incident in its entirety. This complaint was received beyond the 90-day time frame for filing a complaint. Therefore, the IRO has no legal authority to investigate this complaint. The complaint will be inactivated.

**CPC 100-14** – A citizen alleged that an APD officer testified in 1998 and 1999 and committed perjury during his testimony. This complaint was received 14 years after the incident, well beyond the 90-day time frame for filing a complaint. Therefore, the IRO has no legal authority to investigate this complaint. The complaint will be inactivated.

**CPC 105-14** – A citizen stated that parking tickets were issued to a line of cars and that the parking meters were not in working order. Parking Enforcement personnel are not APD employees. The complaint was forwarded to the Parking Enforcement Department. The complaint will be inactivated.



IRO Hammer requested approval of the Consent Agenda. Vice Chair Barker moved to approve the consent agenda. Passed.

For: 3 - Peterson, Barker, Foster

**CPC 236-13** – A citizen alleged that Sergeant S. left a message on citizen's phone, and the message was threatening and unprofessional. Citizen stated that Sergeant S. entered her vehicle and removed her insurance card without citizen's permission. The investigation revealed that Sergeant S.' conduct was improper and should be sustained. The search was not a lawful search, and Sergeant S. should be sustained. Sergeant S. should be sustained on failure to record the incident. Vice Chair Barker moved to approve the findings of the IRO. Passed.

For: 3 - Peterson, Barker, Foster

#### **IX. NON-CONCURRENCE – 29-13**

**CPC 29-13** - IRO Hammer gave a synopsis of this case. There was an incident where a citizen was cited for trespass at a Walgreens store. The officer did not record the entire incident. The camera apparently cut off due to a malfunction. The SOP states nothing about an exception due to a camera malfunction. The IRO changed the finding to sustained from not sustained. Chief Banks did not agree with a sustained finding. Chairperson Peterson moved to approve the finding of the IRO. Passed.

For: 3 – Peterson, Barker, Foster

A discussion was had regarding the SOP on video recordings. Commissioner Foster brought up the fact that the SOP has no language regarding a camera shutting off or malfunctioning. Deputy Chief Roseman explained the three types of cameras used and spoke about the battery and memory life, and the limitations and problems with some cameras, and that the SOP does not address malfunctions. Commissioner Foster requested that Deputy Chief Roseman explain progressive discipline and how the department determines discipline. Deputy Chief Roseman stated that each SOP has sanctions. If an officer violates an SOP repeatedly, the discipline rises to a higher sanction. Serious sanctions never get dropped from an officer's file. Less serious sanctions can get dropped from an officer's file after one or two years if there are no repeat violations of SOPs. The officer's file is reviewed before discipline is imposed and the supervisor makes recommendations as to what discipline should be imposed. Deputy Chief Roseman stated that APD is the only department that requires its officers to record incidents in their entirety. Both the POC and Deputy Chief Roseman agreed that the SOP needs to be revised, but until the revision takes place, there is no exception in the SOP for camera malfunction.

#### **VIII. POLICE SHOOTING CASES – I-188-13 and I-195-13**

**I-188-13** - On September 20, 2012, two APD officers were dispatched to a residence to assist in arresting a fugitive. Officers AC and JC were assigned to the United States

Marshal's Service Task Force. Upon arrival at the scene, Officers AC and JC were told to go to the back yard to assist other task force members. Officer JC jumped into the back yard from a cinder block wall. At that time, a Pit Bull dog started to charge at Officer JC, trying to bite his leg. Officer AC, who was still on the cinder block wall, believed there was an imminent threat of injury to Officer JC, and he discharged his weapon at the Pit Bull in an effort to protect Officer JC from being bitten. The Pit Bull dog survived the shooting. Animal Control responded to the scene.

Officer JC followed SOP. Because Officers AC and JC were assigned to a United States Marshal's Service Task Force, no photos were allowed to be taken of the incident pursuant to a Memorandum of Understanding. I find Officer AC's conduct regarding the use of deadly force to be exonerated.

Chair Peterson moved to approve the findings of the IRO. Passed.

For: 3 – Peterson, Barker, Foster

**I-195-13** – On August 11, 2013, at approximately 8:20 a.m., officers were dispatched to the scene where a Pit Bull was attacking a lady and her small dog. When Sergeant S. arrived on scene, he observed that the Pit Bull had a small dog in its mouth, and the small dog was covered with blood. The Pit Bull finally released the small dog from its mouth. The lady was bleeding from her hand as a result of the Pit Bull dog biting her. Officers tried to contain the Pit Bull dog, but the dog escaped and began heading toward a crowd of people, including children. Sergeant S. made the decision to shoot the Pit Bull dog in order to protect the citizens from being attacked. Neighbors informed Sergeant S. that the Pit Bull dog had previously chased people in the neighborhood. The lapel video supports Sergeant S.' version of events. I find Sergeant S.' conduct regarding use of force to be exonerated.

Chair Peterson moved to approve the findings of the IRO. Passed.

For: 3 – Peterson, Barker, Foster

**X. LONG-TERM PLANNING COMMITTEE:** There was no meeting of the Long-Term Planning Committee.

**XI. REPORTS FROM CITY STAFF:**

- A. IRO** – IRO Hammer reported the May 2014 statistics and Job-Well-Done letters from citizens. APD has adopted a new use-of-force form, and the IRO will post the form on the POC and APD websites. IRO Hammer informed the Commission that the City Council is considering a revision to the POC ordinance and the matter should be heard on August 18, 2014. The IRO is still working with Legis-Star personnel and stated that the minutes and agenda could be posted on the website. The IRO has hired a new Analyst and Administrative Assistant. A new investigator will be hired on July 1, 2014.



## **JOB-WELL-DONE REPORTS RECEIVED DURING MAY 2014**

### **JWD-2014-123**

Received by IRO: May 5, 2014

A Tijeras citizen wanted to commend Employee A. in the CAD unit for his help in assisting citizen to obtain information regarding an incident involving his family members. Employee A. was able to answer citizen's questions and gave professional guidance.

### **JWD-2014-122**

Received by IRO: May 6, 2014

A citizen wanted to thank Officer S. for his assistance during three related incidents. Officer S. listened to citizen and always tried to help in any way to assist citizen. Citizen truly appreciates Officer S.'s service and his professionalism.

### **JWD-2014-124**

Received by IRO: May 7, 2014

A citizen wanted to give a thumbs-up to APD Officer F.

### **JWD-2014-105**

Received by IRO: May 7, 2014

A citizen wanted to compliment every APD officer and individual who is working to make Albuquerque a safer place. Her four-year-old son thinks very highly of police officers. Citizen wants APD to know they are appreciated.

### **JWD-2014-117**

Received by IRO: May 8, 2014

A citizen was the victim of a home burglary and vandalism. Officer W. responded and was very personable, courteous, professional, and thorough in his investigation. Citizen stated there are many good officers and they are appreciated.

### **JWD-2014-118**

Received by IRO: May 9, 2014

A citizen wanted to thank Officer B. for his handling of a situation regarding citizen's daughter. Officer B. was very sensitive in handling citizen's concerns regarding citizen's daughter. Officer B. was kind and went above and beyond the call of duty. Citizen appreciates all of Officer B.'s time and consideration.

### **JWD-2014-119**

Received by IRO: May 9, 2014

A former resident of Albuquerque now residing in Texas wanted to show his support for APD and Chief Eden. The resident stated that APD has a hard job and decisions are made in a split second. The resident wanted to thank APD officers for their commitment.

### **JWD-2014-120**

Received by IRO: May 9, 2014

A Taos resident was visiting Albuquerque and was the victim of an auto burglary. Officer H. responded to the call and he was polite and professional. Officer H. was patient and made the victim feel safe. Officer H. assisted the victim in obtaining items that she needed. The resident wanted to thank Officer H. for being a kind and caring officer.

### **JWD-2014-121**

Received by IRO: May 12, 2014

A resident of Rhode Island wanted to commend Detective L. for her investigation into the missing female victims found buried on the west mesa. The resident stated that Detective L. showed a dedication to solving the mystery and wanted to applaud the efforts of Detective L.

**JWD-2014-125**

Received by IRO: May 18, 2014

A citizen stated that a lot of trouble seems to be caused by the mentally ill who should be in institutions. Citizen wanted to say that she appreciates all the work that APD is doing to protect us.

**JWD-2014-126**

Received by IRO: May 19, 2014

A citizen stated that his neighborhood had experienced several home burglaries in the last several months. Officer A. attended a community meeting and answered questions thoroughly and completely, passing out pamphlets that were much appreciated. The attendees wanted to thank Officer A. for his patience and service to our community.

**JWD-2014-127**

Received by IRO: May 21, 2014

A resident wanted to give kudos to an officer that she observed driving. The officer drove extremely well, obeyed traffic laws, didn't speed, used his blinker, didn't tailgate, and just drove wonderfully.

**JWD-2014-128**

Received by IRO: May 26, 2014

A citizen wanted to say thanks to all officers that go above and beyond.

**JWD-2014-129**

Received by IRO: May 27, 2014

A citizen called APD regarding harassment by his ex-wife. Officer E. responded and was eager to help the citizen. On a follow-up call, Officer E. was more than willing to help citizen. Officer E. was extremely respectful, understanding, and professional toward citizen. Citizen stated that APD has great officers.

**JWD-2014-130**

Received by IRO: May 28, 2014

A citizen was downtown at a court hearing. Someone tried to steal her vehicle and the ignition became locked. Citizen approached Officer B. and asked the officer to call a tow truck because citizen did not have her phone. Officer B. gave the citizen a jump start, which unlocked her ignition. Citizen wanted to thank Officer B. for his kindness and cordiality.

**B. SOP Update** – IRO Investigator Paul Skotchdopole reported there were no meetings held and there was nothing to report.

**C. Mayor's Staff** – No one was present to report.

**D. City Council Staff** – No one was present to report.

**E. City Attorney's Staff** – Nothing to report.



## **XII. ALBUQUERQUE POLICE DEPARTMENT - Report**

Deputy Chief Roseman presented the report for May 2014.

Received - 13	Inactivated - 0	Completed - 19	Pending - 13
1 verbal reprimand	9 letters of reprimand	1 8-hour suspension	
1 16-hour suspension	1 120-hour suspension	1 240-hour suspension	

Vice Chair Barker and Commissioner Foster spoke with Deputy Chief Roseman about the 240-hour suspension. Deputy Chief Roseman stated that was a severe suspension, and spoke about the agreements between the Union and the Department regarding discipline of officers. Deputy Chief Roseman stated that APD will wait on the DOJ's input before making any revisions to existing SOPs. Commissioner Foster talked about how long videos are kept and if they are downloaded, and if it is possible for an officer to manipulate videos. Deputy Chief Roseman stated that it is not possible for officers to alter videos. He also stated that training is included in discipline. Commissioner Foster wanted to know what APD does with the POC recommendations regarding discipline. Deputy Chief Roseman said that was a personnel issue and protected under the Union contract. IRO Hammer stated that after November 2013 the letters do indicate what discipline the Chief imposes, and that the Union contract allows for that.

## **XIII. OTHER BUSINESS & COMMISSION RECOMMENDATIONS**

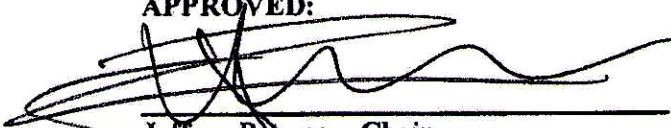
There was no Other Business.

## **XIV. ADJOURNMENT**

The meeting adjourned at 7:25 p.m.

5:34 pm

**APPROVED:**

  
Jeffrey Peterson, Chair  
Police Oversight Commission

  
DATE

CC: Tony Duran, City Council  
Trina Gurule, Acting City Clerk  
Ken Sanchez, City Council President

Revise June

Police Oversight Commission  
Minutes -- March 13, 2014



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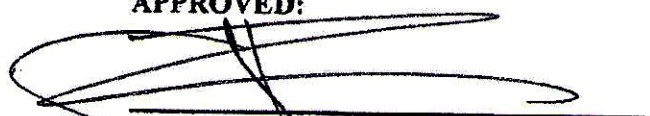
**XIII. OTHER BUSINESS & COMMISSION RECOMMENDATIONS**

There was no Other Business.

**XIV. ADJOURNMENT**

The meeting adjourned at 5:34 p.m.

**APPROVED:**

  
Jeffrey Peterson, Chair  
Police Oversight Commission

7/17/14  
DATE

CC: Tony Duran, City Council  
Trina Gurule, Acting City Clerk  
Ken Sanchez, City Council President